

REMARKS

One claim is pending at the time of this response. The Examiner sent a first and non-final Office Action rejecting the single claim on 21 October 2002. The basis for rejection was 35 U.S.C. §102(b) in light of Kapp (U.S. Patent 1,404,029).

The applicant urges that the claims as currently set forth are patentably distinct from Kapp. Kapp teaches, "an upper supporting member provided with a headed stud, a swinging member being formed of a section of strap iron bent upon itself between its ends for forming a normally vertical arm, the bent over, portions overlapping and arranged in substantially parallel planes, and a normally horizontal arm, the strap iron being twisted, adjacent to the end of one bent over portion whereby the face of the horizontal arm is disposed at a right angle to the face of the vertical arm, said vertical arm having an elongated slot near its lower end and a hook at its upper end to engage over the headed stud, a pivot element secured to the upper supporting member, and a resilient curved guard secured to the upper portion of the vertical arm."

The applicant's invention successfully removes several of the limitations taught by Kapp. It has, without conceding the presence of limitations not mentioned, no:

- Headed stud;
- Swinging member;
- Twist;
- Elongated slot; nor
- Pivot element.

As it is able to hang a tire without these taught limitations, it is patentably distinct from the invention taught by Kapp.

As currently written, then, the claims are in a condition for allowance.



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CONCLUSION

The applicant requests, in light of the amendments to the claims, that the application be allowed. Applicant requests that Examiner direct any inquiries or concerns to applicant's attorney, the undersigned.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. A tire hanger for use with a vehicle hoist, the vehicle hoist including a horizontal support member, the tire hanging device comprising:

an elongated strip of material having a first end, a second end, and a middle section,
the a hoist wrap section first end suitably bent and arranged to engage to the
horizontal support member; a tire hanging section the second end bent and
arranged to engage an tire; and, an elongated the middle section disposed between
the hoist wrap section first end and the tire hanging second end section and of
suitable length to hold a tire in an approximately vertical orientation.




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